



# MEMO ENDORSED

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January 31, 2007

**BY FAX**

The Honorable James C. Francis IV  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street - Room 1960  
New York, New York 10007-1312

USDC SDNY  
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**Re: Portera v. The City of New York, et al.**  
**USDC SDNY 05 CV 9985 (KMK)(JCF)**

Dear Judge Francis:

I write to request an enlargement of time in the schedule of this case. The current Case Management Order provides that all depositions of fact witnesses shall have been noticed by February 1, 2007. To date, the parties have exchanged written requests for discovery including interrogatories and document requests. Defendants have produced a large volume of documents and numerous consolidated witnesses for deposition. Approximately 33 additional defense witnesses have been noticed and scheduled for deposition in the consolidated cases in the coming months. In addition, plaintiff and defendants have exchanged preliminary lists of deponents for this case. In light of the numerous depositions already scheduled, defendants request that the Court grant a 4-month extension on the remaining deadlines in the CMO in this case. I have consulted with plaintiff's counsel, Rachel Kleinman, who has kindly consented to this request. If this meets with your approval, would you please "so order" it? Thank you. U

Very truly yours,

  
James Mirro

*Application denied. Counsel may, however, agree to alter interim dates provided the final deadline for submission of the ~~material~~ dispositive motions is not altered.*

cc: Rachel Kleinman (by fax)

*SO ORDERED*  
*James C. Francis IV*  
*USMJ*